

# HOUSE JOURNAL

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SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-FIRST DAY (CONTINUED) — TUESDAY, MAY 13, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 397).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Grusendorf; Oliveira; Serna.

The invocation was offered by Dan Harrison, pastor, North East Baptist Church, San Antonio, as follows:

O God, we give you thanks this day, for the freedom to assemble and conduct the business of this, the greatest state of these United States. We invoke thy blessing O Lord, on those who govern, may their thoughts be inspired by thee, their words tempered by thy spirit, and their actions worthy of praise from those they serve, you and your people.

Father, there are many distractions clamoring for the time and attention of these men and women of this house, may they be given divine sensitivity to recognize issues worthy of remedy, and set forth legislation that is both beneficial and merciful. We ask O God, that you marshal the forces of heaven to thwart the forces of evil who seek to foster greed and selfish activity in the confines of this state.

Finally, O Lord, I give you thanks for this house that sees the wisdom of seeking thy presence, and invoking thy direction. May the people of this great state be so blessed that this practice may continue, and the prayers of your servants be granted, for thy praise and glory, all of which is asked in the name of the Lord Jesus Christ, your son, amen.

### LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of illness:

Oliveira on motion of Van de Putte.

The following member was granted leave of absence for today because of illness in the family:

Serna on motion of Van de Putte.

The following member was granted leave of absence for today because of important business in the district:

Grusendorf on motion of Shields.

### CAPITOL PHYSICIAN

The speaker recognized Representative Van de Putte who presented Dr. Mitchell Frank Finnie of San Antonio as the "Doctor for the Day."

The house welcomed Dr. Finnie and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 54).

#### **HCR 250 - ADOPTED** (by Patterson)

Representative Patterson moved to suspend all necessary rules to take up and consider at this time **HCR 250**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HCR 250**, Designating May 13, 1997, as Hopkins County Day.

(Berlanga in the chair)

**HCR 250** was read and was adopted without objection.

On motion of Representative Telford, the names of all the members of the house were added to **HCR 250** as signers thereof.

#### **HR 896 - ADOPTED** (by Hinojosa)

Representative Hinojosa moved to suspend all necessary rules to take up and consider at this time **HR 896**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 896**, Congratulating Head Baseball Coach Al Ogletree on his retirement from the University of Texas-Pan American.

**HR 896** was adopted without objection.

On motion of Representative Davis, the names of all the members of the house were added to **HR 896** as signers thereof.

**HR 808 - ADOPTED**  
**(by Davis)**

Representative Davis moved to suspend all necessary rules to take up and consider at this time **HR 808**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 808**, Honoring the Texas African American Heritage Organization, Inc., on its 10th anniversary.

**HR 808** was adopted without objection.

On motion of Representative Hamric, the names of all the members of the house were added to **HR 808** as signers thereof.

**HR 902 - ADOPTED**  
**(by Hamric)**

Representative Hamric moved to suspend all necessary rules to take up and consider at this time **HR 902**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 902**, Congratulating the Klein High School boys soccer team on winning the 1997 UIL State Championship.

**HR 902** was adopted without objection.

On motion of Representative Horn, the names of all the members of the house were added to **HR 902** as signers thereof.

**HCR 248 - ADOPTED**  
**(by Horn)**

Representative Horn moved to suspend all necessary rules to take up and consider at this time **HCR 248**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HCR 248**, Congratulating Ben E. Harmon on his retirement as assistant superintendent for student services in the Lewisville Independent School District.

**HCR 248** was adopted without objection.

On motion of Representative McCall, the names of all the members of the house were added to **HCR 248** as signers thereof.

**HR 842 - ADOPTED**  
**(by Burnam)**

Representative Burnam moved to suspend all necessary rules to take up and consider at this time **HR 842**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 842**, In memory of Walter Earl Steimel.

**HR 842** was unanimously adopted by a rising vote.

On motion of Representative Raymond, the names of all the members of the house were added to **HR 842** as signers thereof.

**SCR 69 - ADOPTED**  
**(Kuempel - House Sponsor)**

Representative Kuempel moved to suspend all necessary rules to take up and consider at this time **SCR 69**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**SCR 69**, Commending the Texas Parks and Wildlife Department and the Texas Game Warden Association for their work in creating the Parrie Haynes Youth Camp and Wildlife Conservation Ranch.

**SCR 69** was read and was adopted without objection.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Kuempel and Senator Brown, who introduced members of the Texas Game Warden Association.

**HR 890 - ADOPTED**  
**(by Kubiak)**

Representative Kubiak moved to suspend all necessary rules to take up and consider at this time **HR 890**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 890**, Recognizing June 14, 1997, as Snider Family Day.

**HR 890** was adopted without objection.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 890** as signers thereof.

**HR 904 - ADOPTED**  
**(by King)**

Representative King moved to suspend all necessary rules to take up and consider at this time **HR 904**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 904**, Recognizing Carrizo Springs in Dimmit County as the Home of the Dimmit Sunflower.

**HR 904** was adopted without objection.

On motion of Representative Flores, the names of all the members of the house were added to **HR 904** as signers thereof.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today to attend a meeting with Senator Ratliff on **HB 1**:

Junell on motion of R. Lewis.

**HR 893 - ADOPTED**  
**(by Stiles)**

Representative Stiles moved to suspend all necessary rules to take up and consider at this time **HR 893**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 893**, Congratulating Terah Ruth Murphy on her receipt of the Lucky Lady Oil Company College Scholarship.

**HR 893** was adopted without objection.

On motion of Representative Thompson, the names of all the members of the house were added to **HR 893** as signers thereof.

(Speaker pro tempore in the chair)

**HR 905 - ADOPTED**  
**(by McClendon)**

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 905**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 905**, Congratulating Robert L. "Trey" Wilson III on his graduation from law school.

**HR 905** was read and was adopted without objection.

On motion of Representative Zbranek, the names of all the members of the house were added to **HR 905** as signers thereof.

**HR 906 - ADOPTED**  
**(by Garcia)**

Representative Garcia moved to suspend all necessary rules to take up and consider at this time **HR 906**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 906**, Commending Travel Host, Inc., on its 30th anniversary of operation, and extending best wishes to founder Jim Buerger on his 57th birthday.

**HR 906** was adopted without objection.

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR**  
**LOCAL CALENDAR**  
**SECOND READING**

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

**HB 3571** (by Zbranek), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, financing, and dissolution of the Chambers County Improvement District No. 2 and the power of certain entities to contract with the district; granting authority to issue bonds.

Representative Zbranek moved to lay **HB 3571** on the table subject to call.

The motion prevailed without objection.

**CONSENT CALENDAR**  
**SECOND READING**

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

**HB 1043** (by Bailey), A bill to be entitled An Act relating to the issuance of bonds under the Higher Education Authority Act.

**Amendment No. 1**

Representative Bailey offered the following amendment to **HB 1043**:

Amend **HB 1043** as follows:

On page 1, line 9, strike "the Texas Education Agency or by".

Amendment No. 1 was adopted without objection.

**SB 637** (Brimer - House Sponsor), in lieu of **HB 1543**, A bill to be entitled An Act relating to the finality of contested case orders rendered by state agencies.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Hilbert, Representative Brimer offered the following committee amendment to **SB 637**:

Amend **SB 637** by inserting the words "before the date the order is signed or" on line 20 between the words "not" and "later".

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

On behalf of Representative Siebert, Representative Brimer offered the following amendment to **SB 637**:

Amend **SB 637** by adding the following section, appropriately numbered, and renumbering the existing sections appropriately:

SECTION \_\_\_\_\_. Section 2001.145, Government Code, is amended to read as follows:

Sec. 2001.145. MOTIONS FOR REHEARING: PREREQUISITES TO APPEAL. (a) A timely motion for rehearing is a prerequisite to an appeal in a contested case except that a motion for rehearing of a decision or order that is final under Section 2001.144(a)(3) or (4) is not a prerequisite for appeal.

(b) A decision that is final under Section 2001.144(a)(2), ~~or~~ (3), or (4) is appealable.

Amendment No. 2 was adopted without objection.

Representative Brimer moved to lay **HB 1543** on the table subject to call.

The motion prevailed without objection.

**HB 1653** (by Wise), A bill to be entitled An Act relating to the dating of state publications.

**CSHB 2233** (by Williams, McClendon, Wise, and Keffer), A bill to be entitled An Act relating to the statute of limitations for the presentation of certain felony indictments.

**HB 2733** (by Driver), A bill to be entitled An Act relating to the operation of golf carts on a public road or highway.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Alexander, Representative Driver offered the following committee amendment to **HB 2733**:

Amend **HB 2733** on page 1 by striking lines 12 and 13 and substituting the following:

"(2) the operation:

(A) does not exceed a distance of two miles from the point of origin to the destination; or

(B) occurs entirely within a master planned community with a uniform set of restrictive covenants that has had a plat approved by a county or a municipality."

Amendment No. 1 was adopted without objection.

**HB 2750** was withdrawn.

**HB 2768** (by Goolsby), A bill to be entitled An Act relating to records of the Texas Lottery Commission that are open for public inspection.

**CSHB 2856** (by Hupp, Danburg, and Wohlgemuth), A bill to be entitled An Act relating to the protection of women's health with respect to services performed at an abortion facility and the right to access certain information relating to abortion facilities.

**HB 2993** (by Chavez), A bill to be entitled An Act relating to the authority of a governing board of an institution of higher education to waive certain fees. (Christian, Clark, Corte, Finnell, Heflin, Horn, Isett, Keffer, Kubiak, Solomons, and Williams recorded voting no)

**CSHB 3092** (by J. Jones, Hodge, and G. Lewis), A bill to be entitled An Act relating to equipment requirements for certain buses.

**CSHB 3225** (by D. Jones and Luna), A bill to be entitled An Act relating to offenses under the Penal Code commonly associated with criminal street gang activity, to law enforcement provisions for investigating those offenses, and to other substantive changes and technical corrections in the Penal Code.

**CSHB 3375** (by Hamric), A bill to be entitled An Act relating to the creation of the offense of using false identification.

**HB 3597** (by Williamson), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Parker County Utility District No. 1; granting the power of eminent domain.

**HB 3603** (by Craddick, West, and Counts), A bill to be entitled An Act relating to fees to finance capital improvements in certain municipalities.

**SB 67** (Gallego - House Sponsor), A bill to be entitled An Act relating to purchasing procedures used by the institutional division of the Texas Department of Criminal Justice.

**CSSB 94** (Uher - House Sponsor), A bill to be entitled An Act relating to the creation, extension, renewal, or modification of deed restrictions applicable to certain residential real estate subdivisions. (Corte, Finnell, Heflin, Horn, and Kubiak recorded voting no)

#### **Amendment No. 1**

On behalf of Representative Uher, Representative Carter offered the following amendment to **CSSB 94**:

Amend **CSSB 94** as follows:

(1) On page 2, between lines 18 and 19, insert the following:

SECTION 4. Section 205.001, Property Code, is amended to read as follows:

Sec. 205.001. DEFINITIONS. In this chapter:

(1) "Restrictions"[, "~~restrictions~~"] and "subdivision" have the meanings assigned by Section 201.003.

(2) "Property owners' association" has the meaning assigned by Section 202.001.

SECTION 5. Chapter 205, Property Code, is amended by adding Section 205.004 to read as follows:

Sec. 205.004. AMENDMENT OF RESTRICTIONS BY GOVERNING BODY OF PROPERTY OWNERS' ASSOCIATION. (a) The governing body



of a property owners' association may amend the restrictions for the limited purpose of complying with U.S. Department of Housing and Urban Development or U.S. Department of Veterans Affairs requirements for subdivision property to qualify for insured or guaranteed mortgage loans.

(b) An amendment adopted under this section must:

(1) indicate that the amendment is adopted under authority of this section by specifically referencing this section;

(2) be signed by a majority of the governing body; and

(3) be filed in the real property records of the county in which the subdivision is located.

(2) On page 2, line 19, strike "4" and substitute "6".

Amendment No. 1 was adopted without objection.

**SB 170** (Hodge - House Sponsor), A bill to be entitled An Act relating to the rights of a victim of a delinquent child.

**CSSB 199** (Kuempel - House Sponsor), A bill to be entitled An Act relating to the administration of park and recreation districts in certain counties.

**SB 201** (Glaze - House Sponsor), A bill to be entitled An Act relating to the disposition of freshwater trout stamp fees.

**SB 213** was withdrawn.

**CSSB 231** (Thompson and Tillery - House Sponsors), A bill to be entitled An Act relating to sources of names for the jury wheel.

**SB 264** (Berlanga - House Sponsor), A bill to be entitled An Act relating to the treatment of persons with mental illness.

**SB 303** (Wohlgemuth and Uher - House Sponsors), A bill to be entitled An Act relating to the fees for transferring license plates for disabled veterans.

**SB 323** (Gray - House Sponsor), A bill to be entitled An Act relating to judicial training and continuing education for administrative law judges of the State Office of Administrative Hearings.

**SB 331** (McCall - House Sponsor), A bill to be entitled An Act relating to procedures in a contested case in which the hearing is conducted by the State Office of Administrative Hearings.

#### **Amendment No. 1 (Committee Amendment No. 1)**

Representative McCall offered the following committee amendment to **SB 331**:

Amend **SB 331** in SECTION 2 of the bill by striking Subsection (c) of proposed Section 2003.0421 (page 3, line 6-9, engrossed version) and substituting the following:

(c) This section applies to any contested case hearing conducted by the State Office of Administrative Hearings, except hearings conducted on behalf of the Texas Natural Resource Conservation Commission or the Public Utility Commission of Texas which are governed by Section 2003.047.

Amendment No. 1 was adopted without objection.

**SB 396** (Yarbrough - House Sponsor), A bill to be entitled An Act relating to local control of fire fighter employment matters in certain municipalities.

**SB 403** (Berlanga - House Sponsor), A bill to be entitled An Act relating to funding of the Medicaid disproportionate share program through an assessment imposed against certain hospitals and hospital districts.

**SB 417** (Naishtat - House Sponsor), A bill to be entitled An Act relating to a report by the Texas Workforce Commission regarding implementation of the integration of certain state services regarding workforce development.

**SB 459** (G. Lewis, Naishtat, Olivo, Greenberg, and Goodman - House Sponsors), A bill to be entitled An Act relating to the membership of a local workforce development board. (Clark, Corte, Finnell, Heflin, and Kubiak recorded voting no)

**SB 478** (McCall - House Sponsor), A bill to be entitled An Act relating to the lease of space for a state agency from another governmental entity.

**SB 514** (Maxey - House Sponsor), A bill to be entitled An Act relating to requiring the Health and Human Services Commission to promulgate uniform fair hearing rules for all Medicaid-funded services.

**CSSB 557** (Cook - House Sponsor), A bill to be entitled An Act relating to issuance of exempt license plates.

**SB 569** (Hinojosa - House Sponsor), A bill to be entitled An Act relating to subdivision platting requirements in certain counties.

**SB 570** (Hawley - House Sponsor), A bill to be entitled An Act relating to the regulation of subdivisions in certain economically distressed counties; providing civil and criminal penalties.

**SB 580** (D. Jones - House Sponsor), A bill to be entitled An Act relating to application of the professional prosecutors law to the county attorney of Crosby County.

**SB 591** (Bailey and Coleman - House Sponsors), A bill to be entitled An Act relating to courses and programs at the University of Houston-Downtown.

**SB 600** (Janek - House Sponsor), A bill to be entitled An Act relating to the collection and use of certain information by cancer registries.

**SB 623** (Uher - House Sponsor), A bill to be entitled An Act relating to the regulation of the practice of engineering; providing penalties.

**SB 625** (Goodman - House Sponsor), A bill to be entitled An Act relating to the dissemination of information contained in the juvenile justice information system.

**SB 657** (Siebert - House Sponsor), A bill to be entitled An Act relating to the creation of intermunicipal commuter rail districts; authorizing a tax; granting authority to issue bonds and power of eminent domain.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Shields, Representative Siebert offered the following committee amendment to **SB 657**:

Amend **SB 657** as follows:

On page 5, line 1, delete the last "the" and replace it with "a";

On page 5, line 25, after the word "commission" add "or a railroad without permission of the railroad"

On page 10, beginning on line 23 delete ", except notes issued to an agency of the federal or state government,"

Amendment No. 1 was adopted without objection.

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

### **CONSENT CALENDAR (consideration continued)**

**CSSB 693** (Jackson - House Sponsor), A bill to be entitled An Act relating to standing to enforce restrictions relating to state property.

**SB 698** (Pickett - House Sponsor), A bill to be entitled An Act relating to research relating to transportation facilities conducted by public senior colleges and universities for the Texas Department of Transportation.

**CSSB 735** (Marchant - House Sponsor), A bill to be entitled An Act relating to the oversight of rail fixed guideway system safety.

**SB 771** (Junell - House Sponsor), A bill to be entitled An Act relating to the licensing of the name, logo, and other artwork of the Texas Commission on the Arts.

**CSSB 781** (Raymond - House Sponsor), A bill to be entitled An Act relating to the creation and operation of the Texans Work program and the establishment of individual development accounts in the Texas employment and training account for certain recipients of public assistance.

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 24).

### **CONSENT CALENDAR (consideration continued)**

**SB 786** (Van de Putte - House Sponsor), A bill to be entitled An Act relating to the authority of pharmacists to administer immunizations and vaccinations.

**CSSB 798** (Goodman - House Sponsor), A bill to be entitled An Act relating to alternative dispute resolution in certain family-related suits.

**SB 820** (S. Turner - House Sponsor), A bill to be entitled An Act relating to the establishment and operation of an electronic procurement marketplace, including an electronic commerce network.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative S. Turner offered the following committee amendment to **SB 820**:

Amend **SB 820** as follows:

(1) On page 1, line 11, insert after "marketplace", "to the extent feasible".

(2) On page 2, line 8, strike "shall" substitute "may".

On page 1, lines 19-20, strike "The marketplace may include databases that contain information about the availability of surplus property." substitute "The marketplace may contain:

(3) (1) information relevant to the state's standard procurement specifications for goods and services,

(2) information about vendors, including information from the centralized master bidders list and vendor performance information;

(3) information about products, including product testing results;

(4) historical purchasing information, qualified purchase lists, and trends; and

(5) information about the availability of surplus property."

(4) On page 2, line 11-16, strike "The commission may adopt rules, prescribe forms, and require information from state agencies to administer this section, Sec. 2177.002 ELECTRONIC PROCUREMENT DATABASE. (a) The commission may maintain in an electronic procurement database information related to state procurement that the commission considers to be useful."

(5) On page 2, line 16, strike "database" substitute "marketplace".

(6) On page 3, line 1, strike "(b)" substitute "(g)".

(7) On page 3, line 2, strike "database" substitute "marketplace".

(8) On page 3, line 3, strike "2177.003" substitute "2177.002".

Amendment No. 1 was adopted without objection.

**SB 843** (Cuellar - House Sponsor), A bill to be entitled An Act relating to requiring the Texas Natural Resource Conservation Commission to study a tracking system for hazardous waste required to be returned to the United States under the La Paz Agreement.

**SB 928** was previously passed.

**SB 939** (Coleman - House Sponsor), A bill to be entitled An Act relating to control of tuberculosis in certain jail populations.

**SB 970** was withdrawn.

**SB 991** (Naishtat - House Sponsor), A bill to be entitled An Act relating to permitting certain disabled persons to apply for and receive a state parklands passport.

**SB 1007** (Hirschi - House Sponsor), A bill to be entitled An Act relating to increased civil penalties for deceptive trade practices against elderly consumers.

**SB 1014** (Talton - House Sponsor), A bill to be entitled An Act relating to the representation of a property owner by an agent in a property tax matter.

**SB 1016** (Roman - House Sponsor), A bill to be entitled An Act relating to speed limits on highways near institutions of higher education.

**SB 1108** (Isett - House Sponsor), A bill to be entitled An Act relating to the effect of certain regulations adopted by a joint airport zoning board.

**SB 1127** (Longoria - House Sponsor), A bill to be entitled An Act relating to the operation of certain military installations as businesses by development corporations.

**SB 1175** was withdrawn.

**SB 1179** (Shields - House Sponsor), A bill to be entitled An Act relating to testimony given before a county commissioners court; providing a penalty.

**SB 1211** (R. Lewis - House Sponsor), A bill to be entitled An Act relating to the meetings of a commissioners court of a county.

**SB 1233** (Denny - House Sponsor), A bill to be entitled An Act relating to exemption from inscription requirements for an automobile used by a municipal or county medical examiner.

**SB 1268** (Siebert - House Sponsor), A bill to be entitled An Act relating to disclosure of driver's license record information held by the Department of Public Safety of the State of Texas.

**SB 1269** (Olivo - House Sponsor), A bill to be entitled An Act relating to the duties of the tax assessor-collector regarding certain tax receipt records.

**SB 1277** (Bosse - House Sponsor), A bill to be entitled An Act relating to powers and duties of emergency services districts. (Finnell recorded voting no)

#### **Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Chisum, Representative Bosse offered the following committee amendment to **SB 1277**:

Amend **SB 1277** as follows:

(1) Insert the following appropriately numbered section:

SECTION \_\_\_\_\_. Section 794.082(b), Health and Safety Code, is amended to read as follows:

(b) A district located wholly in one county shall prepare and file with the commissioners court of the county on or before June 1 of each year [~~the 120th day after the last day of the district's fiscal year~~] an audit report of the district's fiscal accounts and records. The audit shall be performed and prepared at the expense of the district. The county auditor, with the approval of the commissioners court, shall adopt rules relating to the format of the audit and report.

(2) Renumber subsequent sections appropriately.

Amendment No. 1 was adopted without objection.

**SB 1295** (Berlanga - House Sponsor), A bill to be entitled An Act relating to licensure of certain international medical students who have successfully completed a Fifth Pathway Program.

**SB 1352** (Hawley and Berlanga - House Sponsors), A bill to be entitled An Act relating to licensing and regulation of certain pilots, pilotage rates, and pilot service.

**SB 1403** (Naishtat - House Sponsor), A bill to be entitled An Act relating to the establishment and funding of a blindness education, screening, and treatment program. (Corte, Heflin, and Kubiak recorded voting no)

**Amendment No. 1 (Committee Amendment No. 1)**

Representative Naishtat offered the following committee amendment to **SB 1403**:

Amend **SB 1403** as follows:

(1) On page 2, line 8, add new SECTION 3 to read as follows:

SECTION 3. Section 521.422, Transportation Code, is amended to read as follows:

Sec. 521.422. PERSONAL IDENTIFICATION CERTIFICATE FEE.

(a) The fee for a personal identification certificate is:

(1) \$10 for a person under 65 years of age; and

(2) \$5 for a person 65 years of age or older.

(b) The department shall collect an additional fee of \$1 for the issuance or renewal of a personal identification card to fund the Blindness Education, Screening, and Treatment Program established under Section 91.027, Human Resources Code, if the person applying for or renewing a personal identification card opts to pay the additional fee.

Renumber subsequent SECTIONS accordingly.

Amendment No. 1 was adopted without objection.

**SB 1437** (Greenberg and Naishtat - House Sponsors), A bill to be entitled An Act relating to the exemption from and limitations on ad valorem taxes on the residence homestead of an elderly individual and the individual's surviving spouse and to the termination of that exemption if that homestead ceases to be the homestead of that elderly individual or surviving spouse.

**SB 1519** (Oliveira and Yarbrough - House Sponsors), A bill to be entitled An Act relating to the authority of the Texas Workforce Commission to accept donations.

**SB 1600** (Bosse - House Sponsor), A bill to be entitled An Act relating to the authority of a political subdivision to regulate coastal erosion and coastal flooding.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Mowery, Representative Bosse offered the following committee amendment to **SB 1600**:

Amend **SB 1600** as follows:

On page 2, line 1, insert the following after "section":

"provided the stricter provisions are intended to insure compliance with the National Flood Insurance Programs' rules, regulations and policies"

On page 2, line 20, insert the following after "section":

"provided the stricter provisions are intended to insure compliance with the National Flood Insurance Programs' rules, regulations and policies"

Amendment No. 1 was adopted without objection.

**SB 1601** (Bosse - House Sponsor), A bill to be entitled An Act relating to the authority of certain coastal counties to regulate development in flood-prone areas.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Jackson, Representative Bosse offered the following committee amendment to **SB 1601**:

Amend SECTION 1, **SB 1601** in Sec. 240.901(c) of the Local Government Code on Page 1, Line 19, by inserting the word "and" between the word "electricity" and the word "gas" and striking the words "or other".

Amend SECTION 1, **SB 1601** in Sec. 240.901(f) of the Local Government Code on Page 2, Line 1, by inserting the word "and" between the word "electricity" and the word "gas" and striking the words "or other".

Amendment No. 1 was adopted without objection.

**Amendment No. 2 (Committee Amendment No. 2)**

On behalf of Representative Jackson, Representative Bosse offered the following committee amendment to **SB 1601**:

Amend **SB 1601** as follows:

On page 2, line 13, insert the following sentence after "property." "The notice must include a description legally sufficient for identification of the property and the name of the owner of the property."

Amendment No. 2 was adopted without objection.

**CSSB 1621** (Isett - House Sponsor), A bill to be entitled An Act relating to the disposition of the City of Lubbock's auditorium-coliseum complex located on real property conveyed to the municipality by Texas Tech University.

**SB 1656** (Rangel - House Sponsor), A bill to be entitled An Act relating to the authority to dissolve the Sebastian Municipal Utility District or transfer certain of its assets and obligations.

**Amendment No. 1**

Representative Rangel offered the following amendment to **SB 1656**:

Amend **SB 1656** as follows:

(1) In SECTION 5 of the bill, in Subsection (a), between "Act" and "if", insert "only".

(2) In SECTION 5 of the bill, in Subsection (a), between "if" and "the board", insert ":

(1) an election has not been held previously under this section; and

(2)".

(3) In SECTION 5 of the bill, in Subsection (b), strike "(a)" and substitute "(a)(2)".

Amendment No. 1 was adopted without objection.

**SB 1722** (Giddings - House Sponsor), A bill to be entitled An Act relating to municipal regulation of dangerous structures.

**SB 1736** (Keel - House Sponsor), A bill to be entitled An Act relating to service by members of the municipal governing body on a board of adjustment in certain municipalities.

**CSSB 1756** (Naishtat - House Sponsor), A bill to be entitled An Act relating to an exemption from regulation under the Private Investigators and Private Security Agencies Act for certain nonprofit medical alert service providers, persons obtaining public records, and persons obtaining certain documents for use in litigation.

**SB 1828** (Pickett - House Sponsor), A bill to be entitled An Act relating to enforcement of vehicle weight and safety restrictions.

**CSSB 1865** (R. Lewis - House Sponsor), A bill to be entitled An Act relating to the administration, management, operation, and authority of water districts. (Finnell and Horn recorded voting no)

#### **Amendment No. 1**

Representative R. Lewis offered the following amendment to **CSSB 1865**:

Amend **CSSB 1865** as follows:

On page 6, line 15, after the word "retail" insert the words "or commercial".

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative R. Lewis offered the following amendment to **CSSB 1865**:

Amend **CSSB 1865** as follows:

On page 15, line 8, after the word "the" strike the words "cost of complying with the".

Amendment No. 2 was adopted without objection.

#### **Amendment No. 3**

On behalf of Representative Puente, Representative R. Lewis offered the following amendment to **CSSB 1865**:

Amend **CSSB 1865** SECTION 18, Sec. 49.233, by inserting "unless the injury was proximately caused by negligence" at the end of the sentence, following the word "district."

Amendment No. 3 was adopted without objection.

### **SB 1865 - STATEMENT OF LEGISLATIVE INTENT**

It is the Legislature's intent that contingent upon Senate and Executive approval of **HB 2868**, **SB 1865** will not apply to Brazoria County. **HB 2868**, passed by the House on May 10, 1997, supersedes Section 11 of **SB 1865** in regards to the provision for a county master drainage plan. **HB 2868** authorizes the County Commissioners' Court in Brazoria County to require that the county



road engineer prepare a county master drainage plan to better coordinate drainage efforts among the eight Drainage Districts located in Brazoria County. The master drainage plan would have clear precedence over the many plans of each of the eight drainage districts in Brazoria County. The county and only the county would implement regulations for county wide control over drainage projects in Brazoria County. Because **HB 2868** applies to a county's authority, where **SB 1865** applies to the authority of a drainage district, **HB 2868** supersedes **SB 1865** for Brazoria County.

R. Lewis  
Bonnen

**SB 1903** (Hunter - House Sponsor), A bill to be entitled An Act relating to the acceptance of gifts, grants, and donations by the secretary of state.

**SB 1922** was previously passed.

**SB 1924** (Marchant - House Sponsor), A bill to be entitled An Act relating to the creation of municipal courts of record in Coppel.

### RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

**HCR 204** (by Hilderbran), Directing the Texas Workforce Commission to implement a subsidized work program for unemployed job applicants.

**HCR 204** was adopted without objection.

**HCR 228** (by D. Jones, Wise, and Isett), Designating cotton the Official State Fiber and Fabric of Texas.

**HCR 228** was adopted without objection.

**HCR 229** (by Wise), Declaring the Texas Rio Grande Valley Onion Festival the Official State Onion Festival of Texas.

**HCR 229** was adopted without objection.

**SCR 14** (Maxey - House Sponsor), Directing the Texas Health and Human Services Commission to develop a plan to coordinate long-term care service delivery and administration.

**SCR 14** was adopted without objection.

**SCR 35** (Hunter - House Sponsor), Directing the Texas Natural Resource Conservation Commission et al. to work with Congress and federal agencies to develop a comprehensive management plan for the Rio Grande Basin.

### Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Counts, Representative Hunter offered the following committee amendment to **SCR 35**:

Amend **SCR 35** on Page 2, line 7 by inserting the words, "the General Land Office," before the words "the Texas Water Development Board".

Amendment No. 1 was adopted without objection.

**SCR 35**, as amended, was adopted without objection.

**SCR 42** (Rangel - House Sponsor), Encouraging business schools and business programs at Texas colleges and universities to increase their course offerings to include courses that focus on small and medium-sized businesses.

**SCR 42** was adopted without objection.

**SCR 55** (Marchant - House Sponsor), Authorizing the burial of Sam L. Kelley in the State Cemetery.

**SCR 55** was adopted without objection.

### **ADJOURNMENT**

Representative Carter moved that the house adjourn until 12:20 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:17 p.m., adjourned until 12:20 p.m. today.

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### **ADDENDUM**

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#### **SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

##### **House List No. 54**

**HB 120, HB 239, HB 259, HB 394, HB 412, HB 432, HB 806, HB 885, HB 911, HB 950, HB 956, HB 971, HB 1185, HB 1299, HB 1511, HB 1555, HB 2003, HB 2170, HB 2528, HB 2569, HB 2602, HB 2721, HB 3334, HCR 247**

##### **Senate List No. 24**

**SB 26, SB 174, SB 386, SB 802, SB 863, SB 911, SB 992, SB 1158, SB 1301, SB 1394, SB 1465, SB 1696, SB 1706, SB 1750, SB 1829, SB 1830, SB 1851**

### **MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

#### **Message No. 1**

##### **MESSAGE FROM THE SENATE**

##### **SENATE CHAMBER**

Austin, Texas

Tuesday, May 13, 1997

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 145** (viva-voce vote)

**SB 358** (viva-voce vote)

**SB 728** (viva-voce vote)

THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**SB 606**

Senate Conferees: Lucio - Chair/Brown/Madla/Ratliff/Zaffirini/

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 4**

Senate Conferees: Armbrister - Chair/Bivins/Harris/Luna, Gregory/Shapiro/

**HJR 4**

Senate Conferees: Armbrister - Chair/Bivins/Harris/Luna, Gregory/Shapiro/

Respectfully,

Betty King

Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, May 13, 1997 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 722** Alexander SPONSOR: Ogden

Relating to the expansion of the areas where proceeds of the branch campus maintenance tax may be used.

**HB 880** Reyna, Arthur SPONSOR: Luna

Relating to the witnessing provisions of the Natural Death Act.

**HB 1602** Kamel SPONSOR: Ratliff

Relating to dry fire hydrants.

(AMENDED)

**HB 1630** Berlanga SPONSOR: Armbrister  
Relating to the requirements for certain agricultural fences.

**HB 1795** Kamel SPONSOR: Ratliff  
Relating to The University of Texas at Tyler.

**HCR 250** Patterson, L.P. "Pete" SPONSOR: Ratliff  
Designating May 13, 1997, as Hopkins County Day.

Respectfully,

Betty King  
Secretary of the Senate